

**REMARKS/ARGUMENTS**

Of the originally filed claims, claims 1, 2, and 5-8 remain in this application, while claims 3 and 4 have been cancelled and new claim 9 has been added.

Claim 1 is now in condition for allowance because it has been amended to teach the use of a tapered engagement between the handle 20 and the utility element 60. This arrangement is not taught by the Trushkowsky, Maissami, or Nosov references alone or in combination. It is pointed out that Trushkowsky teaches a friction fit (col. 3, line 52) between the insert member 12 and the opening 18 and 19. At col. 3, line 67 to col. 4, lines 1-6 Trushkowsky teaches, "The diameter of the cylindrical upper section 21..." thus showing clearly that the upper section is circular, i.e., having a diameter, and is therefore not tapered. This is borne out by Trushkowsky Fig. 5 and 5a. Your applicant submits that a tapered fitting is not known in this art and especially for this tool. It avoids the use of the ledge of Trushkowsky (col. 4, line 3) and provides a superior engagement which grows tighter when bearing down on the preparation. This avoids the problem of insert rotation common to the Trushkowsky round insert and also allows the placement of the tapered insert at any clock position, while the non-round Trushkowsky enablements provide for only a limited few clock positions. Therefore, the rejection under 35 USC 103 is respectfully traversed. Claim 1 and its dependents are now therefore in condition for allowance.

In that the prior Sloane patent 6280187 also does not teach this improved engagement construction, indeed it teaches away (Figs. 6, 7 and especially 12 and 13) the instant claims are clearly not an extension thereof and the double patenting rejection is respectfully traversed.

A petition for extension of time in this response of one month and a corresponding petition fee are herein enclosed.

Appl. No. 10812616  
Amdt. Date: January 13, 2006  
Reply to Office action of: September 13, 2005

Applicant respectfully requests that a timely Notice of Allowance be issued in this case for claims 1, 2, and 5-9.

Respectfully submitted,

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Gene Scott